

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

|                                   |   |   |
|-----------------------------------|---|---|
| MARILYN HEYWARD,                  | ) |   |
| Plaintiff,                        | ) | Civil Case No.: <u>9:23-cv-3881-BHH</u> |
|                                   | ) |   |
| v.                                | ) |   |
|                                   | ) |   |
| DEFENSE COMMISSARY AGENCY (DeCA), | ) |   |
| Defendant.                        | ) | <b>COMPLAINT AND JURY DEMAND</b>        |

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**COMPLAINT AND JURY DEMAND**

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Plaintiff, by and through her Attorney, Anthony O. Dore of Dore Law Office, L.L.C.,  
allege as follows:

**I. JURISDICTION AND VENUE**

1. The Plaintiff, Marilyn Heyward is a resident of Suwanee, Georgia.
2. The Defendant, The Defense Commissary Agency (DeCA) is a United States Government Agency operating “grocery stores” on U.S. Military Installations and does business at Parris Island Marine Corp Recruit Depot in Beaufort, South Carolina.
3. The Court has jurisdiction over the lawsuit under 28 U.S.C. § 1346 (b) because the suit involves a claim for personal injury against the Defense Commissary Agency (DeCA) in Parris Island, Beaufort, South Carolina for damages caused by the negligent acts of a governmental agency and its employees.
4. Venue is proper in this District under 28 U.S.C. § 1402 (b) because: (1) because the act or omission complained of by Plaintiff occurred in this district.
5. Plaintiff timely presented this claim in writing to Defense Commissary Agency (DeCA) Accident Investigation Department.

## **II. FACTS**

6. Plaintiff brings this lawsuit to recover damages arising out of a slip and fall at the Commissary located at Building 407 Wake Boulevard, Beaufort, South Carolina 29902 on August 3, 2021.

7. Plaintiff was a customer and invitee walking into the Commissary when she slipped and fell on a substance on the floor.

8. Plaintiff sustained a left ankle injury, left shoulder injury, neck injury and back injury.

## **III. STATEMENT OF CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF** **NEGLIGENCE (PREMISES LIABILITY)**

9. The Defendant owned, operated and maintained the entrance to the Parris Island Commissary.

10. At the above-described time and place, Marilyn Heyward was a customer (invitee) of the Defendant.

11. The entrance to the Commissary contained a substance on the floor that was not observed by the Plaintiff, which was a dangerous condition on the property.

12. The Defendant, through its employees and/or agents knew or in the exercise of reasonable care should have known, that the substance was a danger on the floor.

13. Defendant, through its employees and or agents negligently and unreasonably failed to use reasonable care to protect against the danger on the floor.

14. The failure of Defendant to use reasonable care to protect against the dangerous condition on the property caused the Plaintiff to suffer personal injuries.

**WHEREFORE AGAINST THE DEFENDANT**, Plaintiffs respectfully request that this Court enter judgment in their favor and against each of the Defendants, and award then all relief allowed by law, including but not limited to the following:

- (a) All appropriate relief at law and equity;
- (b) Declaratory relief and other appropriate equitable relief;
- (c) Economic losses on all claims as allowed by law;
- (d) Compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- (e) Attorneys' fees and the costs associated with this action, including expert witness fees, on all claims allowed by law;
- (f) Pre- and post-judgment interest at the appropriate lawful rate; and
- (g) Any further relief that this Court deems just and proper, and any other relief as allowed by law.

**PLAINTIFF HEREBY DEMANDS A JURY TRIAL ON ALL ISSUES SO  
TRIABLE.**

Respectfully submitted this 08/02/2023.

**DORE LAW OFFICE, LLC**

s/Anthony O. Dore

Anthony O. Dore

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